IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6902 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RR YADAV

Versus

LALITPRASAD KAUSHIK

Appearance:

MR RR VAKIL for Petitioners

MR ANAND L SHARMA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 21/06/2000

ORAL JUDGEMENT

#. Heard the learned advocates.

#. Rule returnable today. Learned advocate Mr.Sharma appears for and waives service on behalf of the respondent No.1 and learned AGP Mr.Joshi appears for and waives service on behalf of the respondent Nos.2 and 3.

#. It is undisputed that the petitioners did not enter their appearance before the learned Tribunal and the matter has been decided by the Tribunal in their absence. The question is, whether the petitioners are liable to pay the entire amount of salary due and payable to the respondent No.1. The question requires to be adjudicated by leading evidence.

#. On the facts and circumstances of the case and with the consent of the learned advocates, the impugned judgment and order dated 18th March, 1999 of the Secondary Education Tribunal rendered in Application No.106 of 1994 is quashed and set aside. The Application No.106 of 1994 is remanded to the learned Tribunal for hearing and decision afresh on condition that;

(A) The petitioners shall, within a period of three weeks from today, pay a sum of Rs.5,000/- to each of the respondents nos. 1 and 2 by way of costs of this petition;

(B) The petitioners shall enter their appearance before the learned Tribunal within a period of one week thereafter; and

(C) The petitioners shall scrupulously remain present before the learned Tribunal and shall not ask for avoidable adjournment.

#. The petition is allowed in the above terms. Rule is made absolute accordingly. Respondent no.3 shall bare its own costs.

(Ms.R.M.Doshit,J.)
(pathan)